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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

CIVIL AND POLITICAL RIGHTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Letter dated 19 March 2002 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairperson of the fifty-eighth session of the Commission on Human Rights

I would like to respond to the allegations made by the Asian Legal Resource Centre (ALRC) against the Singapore Government on the use of the Internal Security Act (ISA), prosecution and juridical system, defamation charges against opposition leaders and amendments to the Broadcasting Authority Act. These are contained in the four documents submitted by the ALRC to the 58th CHR – E/CN.4/2002/NGO/65, E/CN.4/2002/NGO/75, E/CN.4/2002/NGO/78 and E/CN.4/2002/NGO/87.

I would like to request that this letter* be circulated as an official document of the 58th Session of the Commission on Human Rights under agenda items 9, 11 and 18.

(Signed) Vanu Gopala MENON
Ambassador
Permanent Representative

* Reproduced as received, in English only.



ANNEX

The Singapore Government is surprised that the ALRC had made such baseless and unfounded allegations despite the fact that Singapore Government has a good track record in up-keeping the rights of our citizens. Singapore's success in building a safe and democratic society is well documented. Since Independence in 1965, Singapore has built a multiracial society based on freedom and equality, regardless of race, language and religion. It accords a high importance to the respect for the rule of law. The separation of powers between the executive and judiciary is enshrined in the country's constitution. The independence and integrity of our judiciary have consistently been ranked highly in many international surveys. We are therefore astounded by the allegations made by the ALRC and would want to set the record straight on its insinuations that this was otherwise.

Internal Security Act

The ALRC has criticized Singapore's Internal Security Act (ISA) as a tool the Government has used to suppress political opposition and been abused to instil fear, and even torture detainees. These criticisms are unfounded and must be exposed for what they really are - baseless allegations. The ISA is a legacy of the British colonial governance. It is used to counter security threats such as racial and religious extremism, espionage, terrorism and subversion. There are important checks and balances built into the Act to ensure that the ISA is not abused.

Relevance of ISA in Singapore

Our own experience with communal violence in the early years of our nationhood has shown that political stability and communal peace are not necessarily the natural order of things for a small, multi-racial and religious city-state like Singapore. Like all states, a Government's paramount duty is to ensure that the country's stability and security are not compromised. The ISA, like all laws and institutions of any sovereign and independent state, has evolved in response to our own needs, circumstances and socio-political realities.

The ISA is a critical legal instrument of last resort to counter security threats such as racial and religious extremism, espionage, terrorism and subversion. Contrary to what the ALRC had alleged, the ISA is not used to suppress political opposition but to counter extremist groups or radical groups that threaten Singapore's internal security or do harm to our people. It is not always practical to deal with such threats under the normal parameters of the criminal laws. The very character of covert or clandestine activities would make disclosure of intelligence collected as evidence in an open trial a threat to the sources of intelligence. It will also compromise covert methods of investigation. Moreover, in cases involving racial and religious extremism, the process of the trial itself would provide the accused with a public forum to inflame communal violence and conflict.

ISA and Political Opposition

The ISA has never been used against anyone who operates by constitutional means. Action has only been taken against persons who participate in unlawful acts against public order and in subversive activities. It was used in the past against communists and their supporters,

including some politicians, who resorted to violent means to overthrow the lawfully elected government. These people rejected parliamentary elections, and had taken their struggle to the streets. It is an established fact that communist elements had in the past undertook violent and illegal acts, including planting bombs and staging arson attacks. For instance, a booby-trapped bomb they had planted blew up and killed a 6-year old British girl, Katty Salter, in 1970. In more recent years, the ISA has been used to neutralise the activities of terrorist or terrorist-linked organisations in Singapore, including the Liberation Tigers of Tamil Eelam and more recently the Jemaah Islamiyah, an extremist group with links with the Al Qaeda network, which had planned to bomb several foreign embassies and major installations in Singapore.

We fail to comprehend ALRC's allegation that the ISA is used to suppress political opposition in Singapore when the fact is opposition politicians and civil society activists are not deterred from pursuing their political goals in Singapore. Opposition politicians continue to mount vigorous political attacks against the Government in Parliament, at public forums, in publications and on the Internet, and campaign actively to win political support to enter Parliament. No opposition Member of Parliament in Singapore today has ever been detained under the ISA.

Safeguards Against Abuse

The ISA is not a law solely about preventive detention. It also has provisions allowing the prosecution of offenders who are involved in activities such as printing and dissemination of subversive documents, malicious and false information with intent to create public alarm or tensions, and the formation and development of illegal militia. The Government recognises that the ISA is a powerful law, which impacts greatly on the individuals arrested and detained. For this reason, it is used sparingly and only at the last resort. Whenever the circumstances make it practicable, the Government would prefer to prosecute an offender in court either via the ISA or any other appropriate law.

The period of detention without trial is not indefinite and is subject to important checks and balances provided under the Act. No person may be detained for more than two years at a time. Each detainee has a right to make representations against his Order of Detention (OD) to the ISA Advisory Board, comprising a Supreme Court judge and 2 prominent citizens appointed by the President of Singapore. The detainee is also free to engage a lawyer for this purpose. In hearing detainees' representations, the Advisory Board can examine Internal Security Department (ISD) officers and statements of witnesses as well as review the evidence and investigation. It considers representation from detainees within 3 months of the date of the OD and subsequently makes recommendations to the President for consideration. No person shall be detained or further detained without the President's concurrence. The Advisory Board is further required to undertake a yearly review of continued detention against a person and make further recommendations to the Minister for Home Affairs.

Besides the Advisory Board, there are also other safeguards in place to prevent any physical assault of detainees. A doctor is present to examine the detainee before and after each interview session. All examinations are recorded on the detainee's medical card and the doctor makes a daily entry of any complaint by the detainee. Where a doctor has reported the discovery of any injury to the prison authority, such cases would be investigated.

In addition, there are provisions under the ISA for a Board of Inspection to be appointed. This Board comprises Justices of Peace and volunteers of community and civic groups. They make unscheduled visits to the detention centre and are entitled to inspect the place and speak to the detainees. Detainees are able to convey requests and complaints to these Board members who will channel them and any other recommendations to the Government. There are currently 56 members on the Board, including representatives of all major ethnic and religious communities in Singapore.

Defamation Charges Against Opposition Leaders

The ALRC had alleged in its document E/CN.4/2002/NGO/75 that ruling party politicians in Singapore often bring defamation charges against opposition leaders and demand huge compensation payments. It cited the case of Mr J B Jeyaretnam, who was declared bankrupt in January 2001 as a result of fines in defamation proceedings brought by the President. This is inaccurate. To set the record straight, Mr Jeyaretnam was not sued by the President of Singapore for defamation. The defamation proceedings, which led to Mr Jeyaretnam's bankruptcy, were brought by the Organising Committee of the 1995 Tamil Language Week, the majority whom are not politicians. Singapore's laws and Constitution enshrine the freedom of speech and expression. As in all democratic societies, this is subject to laws of libel. Opposition politicians themselves have brought defamation proceedings against Government politicians (who had apologised and paid damages). Opposition politicians have also sued other politicians and other defendants.

Broadcasting Authority Act

In the same document E/CN.4/2002/NGO/75, the ALRC stated that the Singapore Government had amended Section 42 of the Broadcasting Authority Act to prevent foreign broadcasting service from engaging in the domestic politics of Singapore. It suggested that the Singapore Government had infringed on the freedom of expression of the foreign broadcasters. These allegations are similarly without any basis.

The amendment to the Singapore Broadcasting Authority Act is to allow Singapore Broadcasting Authority (SBA) to act against a foreign broadcasting service which interferes with the domestic politics of Singapore. It is true that under the Act the Authority has the power to restrict distribution of the foreign service in Singapore. However, the aim is not to ban information but to ensure that those channels, which engage in local politics, do not profit from distribution of their services. As outsiders, they can report on Singapore. They can do so factually and accurately, without bias or distortion. However, they should not campaign for or against local political issues, or try and educate our people on how best Singapore can be governed. Other countries have also recognised the need for such legal safeguards to prevent external interference. For example in Canada, the Canada Elections Act 2000 prohibits the use of a broadcasting station outside Canada by any person for the purpose of influencing an election in the country.

Singapore's Prosecution and Juridical System

In its document E/CN.4/2002/NGO/65 and E/CN.4/2002/NGO/87, the ALRC has again made baseless and sweeping criticisms of the Singapore prosecution and juridical system without any substantiating facts. The Singapore prosecution system comprises a corps of independent and professional prosecutors selected for their technical competence, and is headed by an Attorney-General which is politically neutral and independent. The Constitution of the Republic of Singapore provides that the Attorney-General has the same security of tenure as a Judge of the Supreme Court. The Singapore judiciary is highly regarded and internationally recognised for its strong professionalism and integrity and has consistently been ranked highly in many international surveys.
